

STATES OF JERSEY

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DRAFT EDUCATION (AMENDMENT) (JERSEY) LAW 200-

Lodged au Greffe on 21st June 2005
by the Education, Sport and Culture Committee

STATES GREFFE



Jersey

DRAFT EDUCATION (AMENDMENT) (JERSEY) LAW 200-

European Convention on Human Rights

The President of the Education, Sport and Culture Committee has made the following statement –

In the view of the Education, Sport and Culture Committee the provisions of the Draft Education (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator M.E. Vibert**

REPORT

Article 14 of the Education (Jersey) Law 1999 makes provision for the Royal Court to make an Education Supervision Order. This places a child under the supervision of an officer of the Education, Sport and Culture Committee where the Court, having received an application from the Committee, is satisfied that the child is not receiving a full-time education appropriate to his ability and aptitude.

An Education Supervision Order is intended to be supportive rather than punitive. Its principal purpose is to ensure that the child and the parents receive advice, assistance and direction so that the child may be properly educated. Although the Committee would not lightly apply for such an Order it might be desirable, in certain circumstances, to prevent a situation from seriously deteriorating. This might be the case where a child is failing to attend school to the extent that, reintegration may become difficult or other problematic behaviour may begin to develop.

Following consultation with the Bailiff, the Education, Sport and Culture Committee has determined that it is appropriate for the power to make an Education Supervision Order to be vested in the Magistrate, sitting as a civil court, rather than requiring application to the Royal Court.

There are no financial or manpower implications for the States arising from this draft Law.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 16th June 2005 the Education, Sport and Culture Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Education, Sport and Culture Committee the provisions of the Draft Education (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

Explanatory Note

This Law amends the Education (Jersey) Law 1999 with the effect that education supervision orders are made by the Magistrate, sitting as a civil court, instead of the Royal Court.



Jersey

DRAFT EDUCATION (AMENDMENT) (JERSEY) LAW 200-

Arrangement

Article

- 1 Article 14 amended
- 2 Schedule 3 amended
- 3 Citation and commencement



Jersey

DRAFT EDUCATION (AMENDMENT) (JERSEY) LAW 200-

A LAW to amend the Education (Jersey) Law 1999

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Article 14 amended

In Article 14 of the Education (Jersey) Law 1999^[1] –

- (a) in paragraph (1) for the words “the Court” there shall be substituted the words “the Petty Debts Court”;
- (b) after paragraph (4) there shall be inserted the following paragraphs –

“(4A) An appeal shall lie to the Court against the making of an order under this Article by the Petty Debts Court.

(4B) The power to make rules of court under Article 13 of the Royal Court (Jersey) Law 1948^[2] and Article 2 of the Law Reform (Miscellaneous Provisions) (Jersey) Law 1967^[3] shall include the power to make rules regulating practice and procedure in applications and appeals under this Article”.

2 Schedule 3 amended

In paragraphs 4(2) and 6(1) and (2) of Schedule 3 to the Education (Jersey) Law 1999 for the words “the Court” there shall be substituted the words “the Petty Debts Court”.

3 Citation and commencement

This Law may be cited as the Education (Amendment) (Jersey) Law 200- and shall come into force 7 days after it is registered.

[1] Chapter 10.800.

[2] Chapter 07.770.

[3] Chapter 04.600.